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C O N F I D E N T I A L SECTION 01 OF 02 ROME 003703

SIPDIS

DEPT FOR U/S BOLTON, AMB. LINO

E.O. 12958: DECL: 07/25/2012

TAGS: PREL MARR MOPS MARR MOPS IT KICC ITPREL KICC IRAQI FREEDOM

SUBJECT: AMBASSADOR RAISES ICC AND OEF TROOP REQUEST WITH
TOP ITALIAN ADVISOR

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REF: A. A. ROME 3580

B. B. ROME 3581

CLASSIFIED BY: A/DCM TOM COUNTRYMAN FOR REASONS 1.5(B)(D)

1. (C) SUMMARY. AMBASSADOR SEMBLER MET WITH GIANNI LETTA, U/S AT THE PRESIDENCY OF THE COUNCIL OF MINISTERS, ON JULY 26 TO PURSUE AT THE HIGHEST LEVEL REFTEL DEMARCHES ON THE INTERNATIONAL CRIMINAL COURT (ICC) AND OPERATION ENDURING FREEDOM (OEF) TROOP CONTRIBUTIONS. AMB. SEMBLER URGED THE GOI TO NEGOTIATE AN ARTICLE 98 AGREEMENT WITH THE USG SOON TO ENSURE PROTECTION FOR US TROOPS AGAINST IMPROPER APPLICATIONS OF THE ICC'S JURISDICTION. HE URGED THAT BERLUSCONI MAKE A STRONG STATEMENT OF RECOMMENDATION TO PARLIAMENT THAT ITALY CONTRIBUTE GROUND TROOPS OR SPECIAL OPERATIONS FORCES IN SUPPORT OF OEF. LETTA, WHO IS BERLUSCONI'S CLOSEST ADVISOR, AGREED TO RAISE BOTH ISSUES WITH THE PM. WE EXPECT A REPLY EARLY NEXT WEEK. END SUMMARY.

OEF TROOP CONTRIBUTIONS

2. (C) COMMENTS BY PM BERLUSCONI ON JULY 24 REGARDING ITALY'S TROOP DEPLOYMENT IN SUPPORT OF OEF (SEPTTEL) OPENED THE WAY FOR AMB. SEMBLER TO EMPHASIZE TO LETTA THE IMPORTANCE OF A COMMITMENT OF GROUND TROOPS OR SPECIAL OPERATIONS FORCES TO REPLACE UNITS ROTATING OUT OVER THE NEXT TWO YEARS. THE AMBASSADOR NOTED THAT ONLY 379 ITALIAN TROOPS CURRENTLY WERE DEPLOYED FOR OEF (307 ON A FRIGATE IN THE ARABIAN SEA), RATHER THAN THE 1,000 TROOPS BERLUSCONI HAD MENTIONED DURING HIS SPEECH TO ITALIAN AMBASSADORS. HE AND LETTA AGREED THAT
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THE PM WAS LIKELY REFERRING TO ITALIAN TROOPS SUPPORTING BOTH OEF AND ISAF, WHICH TOGETHER INCLUDE OVER 800 SOLDIERS AND CARABINIERI (379 IN OEF PLUS 454 IN ISAF). THE AMBASSADOR NOTED THAT THE ORIGINAL OFFER APPROVED BY PARLIAMENT LAST NOVEMBER INCLUDED GROUND TROOPS AND SPECIAL OPERATIONS FORCES THAT HAVE NOT BEEN CALLED UPON...UNTIL NOW. (IN HIS SPEECH, BERLUSCONI, AND LATER DEFENSE MINISTER MARTINO, STATED THAT PARLIAMENT WOULD NEED TO REVIEW A REQUEST TO DEPLOY TROOPS.)

3. (C) AMB. SEMBLER TOLD LETTA THAT HE WAS CONCERNED ABOUT THE DELAY A PARLIAMENTARY REVIEW WOULD CAUSE, PARTICULARLY GIVEN THE IMPENDING PARLIAMENTARY RECESS UNTIL MID-SEPTEMBER. HE STRESSED THAT IT IS VERY IMPORTANT THAT ITALY INDICATE A POSITIVE INTENT TO HELP, NOW THAT THE US IS ASKING FOR SPECIFIC ASSISTANCE. A/DCM NOTED THAT WE WOULD HOPE A MAJOR NATO ALLY WOULD RESPOND MORE QUICKLY THAN SOME OF THE SMALLER COUNTRIES THAT ARE PREPARING TO STEP FORWARD. (NOTE: FOLLOWING THE MEETING, THE PRESS REPORTED ALBANIA'S PLANS TO SEND A 30-MAN SPECIAL OPERATIONS TEAM -- TRAINED BY ITALIANS -- TO AFGHANISTAN ON AUGUST 5. END NOTE.) THE AMBASSADOR PROPOSED THAT THE PM RECOMMEND TO PARLIAMENT THAT GROUND TROOPS OR SPECIAL OPERATION FORCES BE CONTRIBUTED TO OEF -- A COMMITMENT THAT WILL CLEARLY SHOW THAT BERLUSCONI AND HIS GOVERNMENT ARE WITH THE US IN THIS FIGHT. HE MENTIONED HIS MEETING WITH THE PM LAST MARCH WHEN BERLUSCONI MADE AN ON-THE-SPOT DECISION, AGAINST THE PREFERENCES OF HIS MILITARY ADVISORS, TO PROVIDE SECURITY FOR THE FORMER AFGHAN KING -- THAT KIND OF IMMEDIATE POLITICAL COMMITMENT WAS CALLED FOR HERE, THE AMBASSADOR SAID.

4. (C) LETTA PROMISED TO CONVEY TO THE PM OUR REQUEST THAT A
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COMMITMENT BE MADE AS SOON AS POSSIBLE RATHER THAN WAITING UNTIL MID-SEPTEMBER. HE EXPLAINED THAT PARLIAMENT'S APPROVAL OF ITALY'S PARTICIPATION IN OEF LAST NOVEMBER INCLUDED THE CONDITION THAT ANY SIGNIFICANT VARIATION WOULD BE SUBJECT TO PARLIAMENTARY REVIEW. WHILE HE DIDN'T FORESEE ANY PROBLEMS, A PARLIAMENTARY REVIEW COULD NOT BE AVOIDED. LETTA AGREED THAT A MAJOR ALLY LIKE ITALY SHOULD BE AMONG THE FIRST TO OFFER TO CONTRIBUTE. HE SAID HE WILL RELAY BERLUSCONI'S RESPONSE EARLY NEXT WEEK.

ICC

15. (C) AMB. SEMBLER STRESSED THAT THE USG IS NOT WORKING TO UNDERMINE THE ICC. RATHER, WE WANT TO USE ARTICLE 98 OF THE ROME TREATY TO NEGOTIATE BILATERAL AGREEMENTS TO PROVIDE THE PROTECTION WE DEEM NECESSARY FOR OUR SOLDIERS AGAINST POSSIBLE POLITICAL MISUSE OF THE COURT. HE NOTED THAT SOME OF THE SAME COUNTRIES THAT URGED THE US TO RELY ON ARTICLE 98 AGREEMENTS AS A WAY AROUND THE IMPASSE OVER THE BOSNIA POLICE MISSION MANDATE WERE NOW RESISTING THE IDEA. HE URGED THAT BERLUSCONI TAKE A LEADERSHIP ROLE AS A KEY NATO ALLY AND AGREE TO NEGOTIATE AN ARTICLE 98 AGREEMENT WITH US. AN EXTENDED ANALYSIS BY GOI LAWYERS WOULD NOT BE HELPFUL; WHAT

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ACTION SWCI-00

INFO	LOG-00	NP-00	AID-00	ACQ-00	CIAE-00	DOTE-00	PERC-00
	SRPP-00	DS-00	EB-00	EUR-00	FAAE-00	VC-00	H-01
	TEDE-00	INR-00	IO-00	JUSE-00	L-00	VCE-00	AC-01
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-00	PM-00	PRS-00
	ACE-00	P-00	SCT-00	SP-00	SSO-00	SS-00	TRSE-00
	T-00	USIE-00	PMB-00	DSCC-00	PRM-00	DRL-02	G-00
	NFAT-00	SAS-00	/007W				

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FM AMEMBASSY ROME
TO SECSTATE WASHDC IMMEDIATE 5124
INFO NATO EU COLLECTIVE PRIORITY
JOINT STAFF WASHDC PRIORITY
SECDEF WASHDC PRIORITY
USCINCCENT MACDILL AFB FL PRIORITY
USCINCEUR VAIHINGEN GE PRIORITY
USMISSION USUN NEW YORK PRIORITY

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IS NEEDED IS A POLITICAL DECISION TO PROCEED NOW. THE AMBASSADOR MENTIONED THAT U/S BOLTON WAS WILLING TO COME TO ROME NEXT WEEK, AFTER HIS STOP IN RUSSIA, IF GOI OFFICIALS WERE OPEN TO FURTHER DISCUSSIONS. LETTA NOTED THAT THE PM HAD PUBLICLY STATED THAT HE UNDERSTANDS THE USG'S CONCERNS AND RECOGNIZES THE CAPABILITY OF US COURTS TO HANDLE SUCH CASES. HE SAID HE WOULD REVIEW THE BOILERPLATE ARTICLE 98 AGREEMENT WE PASSED TO HIM, DISCUSS THE MATTER WITH BERLUSCONI AND HIS STAFF, AND REPLY TO US NEXT WEEK.

16. (C) COMMENT. LETTA CLEARLY GOT THE MESSAGE THAT THESE TWO ISSUES ARE OF PARTICULAR IMPORTANCE TO THE USG RIGHT NOW. IT WILL TAKE REAL LEADERSHIP BY BERLUSCONI TO RISK ROCKING THE EU BOAT BY BEING THE FIRST TO START ARTICLE 98 AGREEMENT NEGOTIATIONS. HE WILL ALSO LIKELY ENCOUNTER SOME DOMESTIC RESISTANCE TO COMMITTING TROOPS TO AFGHANISTAN, SOMETHING HE AND HIS DEFENSE MINISTER HAVE BEEN HOPING TO AVOID. WE WOULD NOT BE SURPRISED IF THE PM'S SOLUTION IS TO MAKE A PERSONAL BUT CONFIDENTIAL COMMITMENT TO PRESS PARLIAMENT FOR RAPID APPROVAL IN SEPTEMBER, WITHOUT MAKING IT A MATTER OF PUBLIC DISCUSSION BEFORE THEN. END COMMENT.
SEMBLER

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